

MONDAY, MARCH 25, 2002
EIGHTIETH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Garland James, Panther Springs United Methodist Church, Morristown, Tennessee.

Representative Ford led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....93

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cooper; personal reasons.

Representative Garrett; personal reasons.

Representative Todd; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 749: Rep(s). McDonald and Black as prime sponsor(s).

House Joint Resolution No. 756: Rep(s). Davis (Washington) as prime sponsor(s).

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House Joint Resolution No. 764: Rep(s). Stanley as prime sponsor(s).

House Joint Resolution No. 771: Rep(s). Davis (Washington) as prime sponsor(s).

House Bill No. 2351: Rep(s). McKee, Roach, Hagood, Overbey, J. DeBerry, White, Boyer, Godsey, Bittle, Davidson, Maddox, McDonald, Kisber, McDaniel, Goins, Cole (Carter), Kent, Tidwell, Turner (Hamilton), Fitzhugh, Shepard, Ridgeway, Vincent and Naifeh as prime sponsor(s).

House Bill No. 2520: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 2668: Rep(s). Rinks, Kent, Cole (Carter), Pinion and Pleasant as prime sponsor(s).

House Bill No. 2890: Rep(s). Patton and Ford as prime sponsor(s).

House Bill No. 2956: Rep(s). Phelan as prime sponsor(s).

**MESSAGE FROM THE SENATE
March 19, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 604 and 605; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED
March 19, 2002**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 604 and 605.

**ENROLLED BILLS
March 19, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 125, 686, 687, 688, 689, 690, 694, 695, 696, 697, 699, 700, 701, 702, 703, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 716, 717, 719, 720, 721, 722, 725, 727, 728, 729, 730, 731, 732, 733, 734, 736, 737, 738, 739, 744, 753; also, House Resolution(s) No(s). 231.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 19, 2002

The Speaker signed the following: House Joint Resolution(s) No(s). 125, 686, 687, 688, 689, 690, 694, 695, 696, 697, 699, 700, 701, 702, 703, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 716, 717, 719, 720, 721, 722, 725, 727, 728, 729, 730, 731, 732, 733, 734, 736, 737, 738, 739, 744, 753; also, House Resolution(s) No(s). 231.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 19, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 584, 589 and 590; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 584** -- Memorials, Congress - Urges U.S. Congress and President of United States to fully fund modernization of Y-12 National Security Complex in Oak Ridge, Tennessee. by *McNally.

Senate Joint Resolution No. 589 -- Memorials, Retirement - Rabbi Rafael G. Grossman. by *Cohen, *Dixon.

Senate Joint Resolution No. 590 -- Memorials, Death - Vaughn Edward Brewer. by *Ramsey.

MESSAGE FROM THE SENATE
March 19, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1847, 2025, 2138, 2188, 2321, 2386, 2423, 2487, 2612, 2723, 2765, 2809, 2830, 2865, 2916, 2929, 2937, 2960, 2971, 3016, 3020, 3047, 3077, 3095, 3103, 3115, 3141 and 3181; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Bill No. 1847 -- Agriculture, Dept. of - Gives commissioner authority to establish fees for programs regulated by department in sufficient amount to recover at least majority of costs associated with implementation of various statutes with certain exceptions. Amends TCA Title 43; Title 44; Title 47; Title 53 and Title 62. by *Eisea, *Cooper J, *Dixon. (*HB1818 by *Givens, *Walker)

***Senate Bill No. 2025** -- Podiatrists - Prohibits discrimination by HMOs against podiatrists solely on basis of their licenses if podiatrists are acting within scope of their licenses. Amends TCA Title 56, Chapter 32. by *Crutchfield. (HB2835 by *Armstrong, *Jones, S., *Arriola, *Ferguson, *Turner (Davidson), *Langster, *Pruitt, *Brooks, *Phillips, *Towns, *Briley, *Shepard, *Buck, *Pinion, *Maddox, *Fitzhugh, *Cole (Dyer), *Phelan, *Fraley, *West, *Bone, *Curtiss, *Hood, *Davidson, *Westmoreland)

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Senate Bill No. 2138 -- Education, Higher - Renames "Nashville State Technical Institute" to be "Nashville State Community College"; provides for management control, program offerings, and continuation of existing rights and obligations. Amends TCA Title 49, Chapter 8. by *Henry. (*HB2069 by *Odom)

***Senate Bill No. 2188** -- Employees, Employers - Prohibits employers from discriminating against employees who apply for employer education assistance program if employee also receiving veteran's education benefits. Amends TCA Title 4, Chapter 21. by *Crowe. (HB2346 by *Givens)

***Senate Bill No. 2321** -- Hospitals and Health Care Facilities - Permits for-profit hospitals to hold off-site health screenings if program is under supervision of licensed physician and if medical laboratory board has issued letter of exemption. Amends TCA Section 68-29-104. by *Trail. (HB2372 by *Hood, *Rowland, *Beavers)

Senate Bill No. 2386 -- Judges and Chancellors - Extends jurisdiction of court of judiciary to include all persons presiding over courts, such as special judges, and to candidates for judicial office; gives court more flexibility in fashioning appropriate sanction; and defines available sanctions. Amends TCA Title 17, Chapter 5. by *Trail. (*HB2129 by *McMillan)

***Senate Bill No. 2423** -- Taxes, Ad Valorem - Increases penalty imposed for expenses of prosecuting suits for delinquent property taxes from 10 percent to 20 percent in Knox County. Amends TCA Title 67, Chapter 5, Part 24. by *Atchley. (HB3105 by *Tindell, *Buttry)

***Senate Bill No. 2487** -- Health Care - Authorizes persons acting as good samaritans who believe they may have been exposed to potentially life-threatening airborne or bloodborne diseases to be evaluated for such exposure. Amends TCA Section 68-10-117. by *Harper. (HB2505 by *Turner (Davidson), *Langster)

Senate Bill No. 2612 -- State Employees - Authorizes commissioned employee of department of environment and conservation, bureau of state parks, having at least 25 years of honorable service to retain service weapon after retiring; also applies if officer retires on disability retirement. Amends TCA Section 11-3-107. by *Cooper J. (*HB2398 by *Rinks)

Senate Bill No. 2723 -- Banks and Financial Institutions - Creates presumption that debtor is acting in bad faith when debtor obtains loan or any other advance of money or other property within 90 days prior to filing proceeding pursuant to Title 11 of United States Code. Amends TCA Title 47. by *Fowler. (*HB2498 by *Bunch)

***Senate Bill No. 2765** -- Fire Prevention and Investigation - Authorizes owners of property on which fire protection sprinkler systems are installed to perform simple maintenance on such sprinkler systems. Amends TCA Title 62, Chapter 32, Part 1. by *Haynes. (HB2696 by *Garrett)

Senate Bill No. 2809 -- Hospitals and Health Care Facilities - Extends from 2002 to 2004 expiration of exception to definition of home health services for nursing care and therapy services rendered by community agencies for developmentally disabled. Amends TCA Title 33 and Title 68, Chapter 985 of the Public Acts of 2000, and Chapter 282 of the Public Acts of 2001. by *Rochelle, *Person. (*HB2064 by *Maddox, *Overbey)

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***Senate Bill No. 2830** -- Aged Persons - Establishes pilot project with Tennessee Edenizing Foundation, Inc., to provide services to elderly in home and community settings in order to avoid nursing home care for such elderly; deletes existing pilot project. Amends TCA Title 71, Chapter 5, Part 1. by *Henry, *Haynes, *Graves. (HB2624 by *Arriola, *Pruitt, *Odom, *Briley, *Jones, S., *West, *Garrett, *Langster, *Harwell, *Turner (Davidson))

Senate Bill No. 2865 -- Education, Higher - Allows non-resident of county contiguous to Tennessee in another state to enroll in college or university despite presence of teacher college or normal school in other state of equal distance from residence of non-resident. Amends TCA Section 49-8-102. by *Kurita. (*HB2639 by *Head, *McMillan, *Davidson)

***Senate Bill No. 2916** -- Accountants - Deletes attorney position from board of accountancy; deletes term of office of executive director of board; authorizes board to make expenditures that are provided in approved budget of board. Amends TCA Title 62, Chapter 1, Part 1. by *Atchley. (HB2949 by *Rinks)

Senate Bill No. 2929 -- Animals and Animal Cruelty - Increases fees for dog or cat dealer licenses; authorizes stop of vehicles transporting dogs or cats to check for licensure compliance and confiscation of endangered animals; utilizes animal friendly specialty license plate proceeds to defray costs. - Title 44, Chapter 17, Part 1; and Title 55, Chapter 4, Part 2. by *Person, *Cohen. (*HB2882 by *McMillan)

Senate Bill No. 2937 -- Securities - Establishes requirements for person to transact business as investment advisor representative. Amends TCA Title 48, Chapter 2, Part 1. by *Clabough. (*HB2890 by *Sargent, *Arriola)

Senate Bill No. 2960 -- Revenue, Dept. of - Requires all persons subject to any tax administered by commissioner to keep adequate records to determine tax liability and to make such records available to commissioner upon request; noncompliance results in department's assessing tax plus applicable penalty and interest based on best information available to department and results in noncompliance penalty of 10 percent of tax assessed. Amends TCA Title 67, Chapter 1. by *Atchley. (*HB2913 by *Whitson)

Senate Bill No. 2971 -- Insurance, Fire and Casualty - Doubles maximum permissible risk of county mutual fire insurance company in Monroe County from \$75,000 to \$150,000; doubles single risk for other county mutual fire insurance companies maintaining \$50,000 in surplus funds for each \$1,000,000 of insurance from \$50,000 to \$100,000. Amends TCA Section 56-22-106. by *McNally. (*HB2875 by *Johnson, *McKee)

Senate Bill No. 3016 -- AIDS, HIV and STDs - Requires person convicted of patronizing prostitution to submit to and pay for HIV test; applies same requirements which presently apply to person convicted of prostitution. Amends TCA Section 39-13-521. by *Dixon, *Burks. (*HB3038 by *Jones U (Shelby))

Senate Bill No. 3020 -- Sewage - Extends from two to four years department of environment and conservation pilot project study of advanced treatment systems (ATS); classifies as Class C misdemeanor each failure of ATS manufacturer to comply with operation and maintenance check requirements. Amends TCA Title 68, Chapter 221, Part 4. by *Wilder. (*HB2960 by *Fitzhugh)

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Senate Bill No. 3047 -- Public Records - Clarifies that proposals and sealed bids for purchase of goods and services are only available for public inspection after completion of evaluation by county or municipal government receiving such proposal or bid. Amends TCA Section 10-7-504(a)(7). by *Ramsey, *Burks. (*HB3142 by *Fowlkes)

Senate Bill No. 3077 -- Tobacco Master Settlement Agreement - Authorizes commissioner of revenue, upon request, to disclose to attorney general, or attorney working under attorney's general supervision, information relevant to enforcement of Tobacco Manufacturers' Escrow Fund Act; authorizes attorney general to disclose otherwise confidential information in order to enforce Act. - TCA Title 67, Chapter 4, Part 10. by *Clabough. (*HB3149 by *Givens)

Senate Bill No. 3095 -- Land, Agricultural and Open Spaces - Specifies that certain regulations apply to property held jointly, in common, or by entirety and that land be noncontiguous tract within same county; eliminates certain woodlands and wastelands from classification; establishes procedure for rollback assessment and taxes. - TCA Sections 67-5-1003 through 67-5-1008. by *Henry. (*HB3147 by *Fowlkes)

***Senate Bill No. 3103** -- Campaigns and Campaign Finance - Requires registry of election finance to post contribution information from campaign financial disclosure records online to public by means that are searchable, viewable, and accessible in read-only format through Internet on Web site maintained by registry of election finance. Amends TCA Title 2, Chapter 10. by *Kurita. (HB3198 by *Maddox)

Senate Bill No. 3115 -- Medical Occupations - Authorizes dentist to practice anesthesiology if such dentist completed residency program in anesthesiology at accredited medical school from 1963 to 1969 and has been providing anesthesia services since 1963. Amends TCA Section 63-6-204. by *Person. (*HB3187 by *Ferguson)

Senate Bill No. 3141 -- Drugs - Requires director of TBI, board of pharmacy, and board of medical examiners to report on and make recommendations concerning problem of oxycontin abuse with particular attention to issue in rural areas. Amends TCA Title 39, Title 53 and Title 63. by *Herron, *Burks. (*HB3184 by *Maddox)

Senate Bill No. 3181 -- Medical Occupations - Clarifies that provisions relative to practice of reflexology do not apply to massage therapists. Amends TCA Title 63, Chapter 30, Part 1. by *Atchley. (*HB2841 by *Odom)

**ENROLLED BILLS
March 19, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2013, 2368, 2874, 3031, 3073, 3209 and 3239.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MONDAY, MARCH 25, 2002 – EIGHTIETH LEGISLATIVE DAY

**SIGNED
March 19, 2002**

The Speaker signed the following: House Bill(s) No(s). 2013, 2368, 2874, 3031, 3073, 3209 and 3239.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR
March 19, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2101, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE
March 19, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 125, 686, 687, 688, 689, 690, 694, 695, 696, 697, 699, 700, 701, 702, 703, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 716, 717, 719, 720, 721, 722, 725, 727, 728, 729, 730, 731, 732, 733, 734, 736, 737, 738, 739, 744 and 753; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE
March 19, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2013, 2368, 2874, 3031, 3073, 3209 and 3239; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
March 19, 2002**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2013, 2368, 2874, 3031, 3073, 3209, 3239; also, House Joint Resolution(s) No(s). 125, 686, 687, 688, 689, 690, 694, 695, 696, 697, 699, 700, 701, 702, 703, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 716, 717, 719, 720, 721, 722, 725, 727, 728, 729, 730, 731, 732, 733, 734, 736, 737, 738, 739, 744 and 753.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 20, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2030, 2078, 2081, 2084, 2094, 2114, 2144, 2240, 2275, 2325, 2389, 2719, 2731, 2853 and 2955; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

March 20, 2002

The Speaker signed the following: Senate Bill(s) No(s). 2030, 2078, 2081, 2084, 2094, 2114, 2144, 2240, 2275, 2325, 2389, 2719, 2731, 2853 and 2955.

RESOLUTIONS REFERRED

March 20, 2002

Pursuant to Rule No. 44, the following resolution(s) was/were referred to the following Committee(s):

***House Joint Resolution No. 752** -- General Assembly, Directed Studies - Directs Tennessee Law Enforcement Advisory Council to study electronic recording of custodial interrogations of defendants in criminal cases. by *Buck.

House Judiciary Committee

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 752** -- General Assembly, Directed Studies - Directs Tennessee Law Enforcement Advisory Council to study electronic recording of custodial interrogations of defendants in criminal cases. by *Buck.

Previously referred to the House Judiciary Committee

***House Joint Resolution No. 757** -- Highway Signs - "Superspeedway Exit" I-65, I-24, I-40 at SR 840. by *Bone.

Held on House Desk

***House Joint Resolution No. 758** -- Highway Signs - Reconfigures "Ward Agricultural Center" signs on I-40 in Wilson County to include "Fiddler's Grove"; directs department to erect "Fiddler's Grove" signs on US 231 in Wilson County. by *Bone.

Held on House Desk

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 584** -- Memorials, Congress - Urges U.S. Congress and President of United States to fully fund modernization of Y-12 National Security Complex in Oak Ridge, Tennessee. by *McNally.

House Finance, Ways and Means Committee

REPORT OF DELAYED BILLS COMMITTEE
March 25, 2002

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3237.

Jimmy Naifeh, Speaker
Gene Davidson
Steve McDaniel

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 3237** -- Hardin County - Subject to local approval, deletes provision that county clerk is clerk responsible for probate and administration of estate matters rather than clerk and master and directs county clerk to transfer all probate related files to clerk and master by August 1, 2002. Amends TCA Section 16-16-201. by *Rinks.

House Bill No. 3253 -- Loudon County - Subject to local approval, increases school board to 10 members. - Repeals Chapter 172 of the Private Acts of 1979. by *Johnson.

House Bill No. 3254 -- Meigs County - Subject to local approval, reconstitutes board of education. by *Newton.

House Bill No. 3255 -- Lafayette - Subject to local approval, increases salary of council members from \$45.00 to \$100 per council meeting attended and from \$25.00 to \$50.00 per committee meeting attended, as approved by mayor. Amends Chapter 325 of the Private Acts of 1945; as amended. by *Buck.

House Bill No. 3256 -- Dickson - Subject to local approval, revises provisions of Greater Dickson Gas Authority Act. Amends Chapter 50 of the Private Acts of 1989. by *Shepard.

House Bill No. 3257 -- Gibson County - Pursuant to local request, revises tax rate of Trenton Special School District. by *Phelan.

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House Bill No. 3258 -- Alcoa - Subject to local approval, authorizes nonresident property owners to vote in municipal elections if they own at least 50 percent fee simple interest in real property that is located within municipal limits and has total appraised value of at least \$250,000. Amends Chapter 510 of the Private Acts of 1919; as amended. by *McCord.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 175** -- Insurance Companies, Agents, Brokers, Policies - Adds "alien insurance company" as defined term under general provisions of department of commerce and insurance. Amends TCA Title 56. by *Atchley. (HB834 by *McDaniel)

Senate Bill No. 1847 -- Agriculture, Dept. of - Gives commissioner authority to establish fees for programs regulated by department in sufficient amount to recover at least majority of costs associated with implementation of various statutes with certain exceptions. Amends TCA Title 43; Title 44; Title 47; Title 53 and Title 62. by *Elsea, *Cooper J, *Dixon. (*HB1818 by *Givens, *Walker)

***Senate Bill No. 2025** -- Podiatrists - Prohibits discrimination by HMOs against podiatrists solely on basis of their licenses if podiatrists are acting within scope of their licenses. Amends TCA Title 56, Chapter 32. by *Crutchfield. (HB2835 by *Armstrong, *Jones, S., *Arriola, *Ferguson, *Turner (Davidson), *Langster, *Pruitt, *Brooks, *Phillips, *Towns, *Briley, *Shepard, *Buck, *Pinion, *Maddox, *Fitzhugh, *Cole (Dyer), *Phelan, *Fraleigh, *West, *Bone, *Curtiss, *Hood, *Davidson, *Westmoreland)

***Senate Bill No. 2188** -- Employees, Employers - Prohibits employers from discriminating against employees who apply for employer education assistance program if employee also receiving veteran's education benefits. Amends TCA Title 4, Chapter 21. by *Crowe. (HB2346 by *Givens)

***Senate Bill No. 2321** -- Hospitals and Health Care Facilities - Permits for-profit hospitals to hold off-site health screenings if program is under supervision of licensed physician and if medical laboratory board has issued letter of exemption. Amends TCA Section 68-29-104. by *Trail. (HB2372 by *Hood, *Rowland, *Beavers)

Senate Bill No. 2386 -- Judges and Chancellors - Extends jurisdiction of court of judiciary to include all persons presiding over courts, such as special judges, and to candidates for judicial office; gives court more flexibility in fashioning appropriate sanction; and defines available sanctions. Amends TCA Title 17, Chapter 5. by *Trail. (*HB2129 by *McMillan)

***Senate Bill No. 2423** -- Taxes, Ad Valorem - Increases penalty imposed for expenses of prosecuting suits for delinquent property taxes from 10 percent to 20 percent in Knox County. Amends TCA Title 67, Chapter 5, Part 24. by *Atchley. (HB3105 by *Tindell, *Buttry)

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***Senate Bill No. 2487** -- Health Care - Authorizes persons acting as good samaritans who believe they may have been exposed to potentially life-threatening airborne or bloodborne diseases to be evaluated for such exposure. Amends TCA Section 68-10-117. by *Harper. (HB2505 by *Turner (Davidson), *Langster)

Senate Bill No. 2612 -- State Employees - Authorizes commissioned employee of department of environment and conservation, bureau of state parks, having at least 25 years of honorable service to retain service weapon after retiring; also applies if officer retires on disability retirement. Amends TCA Section 11-3-107. by *Cooper J. (*HB2398 by *Rinks)

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***Senate Bill No. 2765** -- Fire Prevention and Investigation - Authorizes owners of property on which fire protection sprinkler systems are installed to perform simple maintenance on such sprinkler systems. Amends TCA Title 62, Chapter 32, Part 1. by *Haynes. (HB2696 by *Garrett)

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***Senate Bill No. 2830** -- Aged Persons - Establishes pilot project with Tennessee Edenizing Foundation, Inc., to provide services to elderly in home and community settings in order to avoid nursing home care for such elderly; deletes existing pilot project. Amends TCA Title 71, Chapter 5, Part 1. by *Henry, *Haynes, *Graves. (HB2624 by *Arriola, *Pruitt, *Odom, *Briley, *Jones, S., *West, *Garrett, *Langster, *Harwell, *Turner (Davidson))

Senate Bill No. 2844 -- County Government - Authorizes county, by two-thirds vote of its legislative body, to exercise certain additional powers granted to municipalities relative to nuisances and uses of property detrimental to health, morals, comfort, safety, convenience, or welfare of inhabitants of unincorporated areas of county. Amends TCA Section 5-1-118. by *Cooper J. (*HB2361 by *Curtiss)

Senate Bill No. 2865 -- Education, Higher - Allows non-resident of county contiguous to Tennessee in another state to enroll in college or university despite presence of teacher college or normal school in other state of equal distance from residence of non-resident. Amends TCA Section 49-8-102. by *Kunita. (*HB2639 by *Head, *McMillan, *Davidson)

***Senate Bill No. 2916** -- Accountants - Deletes attorney position from board of accountancy; deletes term of office of executive director of board; authorizes board to make expenditures that are provided in approved budget of board. Amends TCA Title 62, Chapter 1, Part 1. by *Atchley. (HB2949 by *Rinks)

MONDAY, MARCH 25, 2002 – EIGHTIETH LEGISLATIVE DAY

Senate Bill No. 2929 -- Animals and Animal Cruelty - Increases fees for dog or cat dealer licenses; authorizes stop of vehicles transporting dogs or cats to check for licensure compliance and confiscation of endangered animals; utilizes animal friendly specialty license plate proceeds to defray costs. - Title 44, Chapter 17, Part 1; and Title 55, Chapter 4, Part 2. by *Person, *Cohen. (*HB2882 by *McMillan)

Senate Bill No. 2937 -- Securities - Establishes requirements for person to transact business as investment advisor representative. Amends TCA Title 48, Chapter 2, Part 1. by *Clabough. (*HB2890 by *Sargent, *Arriola)

Senate Bill No. 2960 -- Revenue, Dept. of - Requires all persons subject to any tax administered by commissioner to keep adequate records to determine tax liability and to make such records available to commissioner upon request; noncompliance results in department's assessing tax plus applicable penalty and interest based on best information available to department and results in noncompliance penalty of 10 percent of tax assessed. Amends TCA Title 67, Chapter 1. by *Atchley. (*HB2913 by *Whitson)

Senate Bill No. 2971 -- Insurance, Fire and Casualty - Doubles maximum permissible risk of county mutual fire insurance company in Monroe County from \$75,000 to \$150,000; doubles single risk for other county mutual fire insurance companies maintaining \$50,000 in surplus funds for each \$1,000,000 of insurance from \$50,000 to \$100,000. Amends TCA Section 56-22-106. by *McNally. (*HB2875 by *Johnson, *McKee)

Senate Bill No. 3016 -- AIDS, HIV and STDs - Requires person convicted of patronizing prostitution to submit to and pay for HIV test; applies same requirements which presently apply to person convicted of prostitution. Amends TCA Section 39-13-521. by *Dixon, *Burks. (*HB3038 by *Jones U (Shelby))

Senate Bill No. 3020 -- Sewage - Extends from two to four years department of environment and conservation pilot project study of advanced treatment systems (ATS); classifies as Class C misdemeanor each failure of ATS manufacturer to comply with operation and maintenance check requirements. Amends TCA Title 68, Chapter 221, Part 4. by *Wilder. (*HB2960 by *Fitzhugh)

Senate Bill No. 3047 -- Public Records - Clarifies that proposals and sealed bids for purchase of goods and services are only available for public inspection after completion of evaluation by county or municipal government receiving such proposal or bid. Amends TCA Section 10-7-504(a)(7). by *Ramsey, *Burks. (*HB3142 by *Fowlkes)

Senate Bill No. 3077 -- Tobacco Master Settlement Agreement - Authorizes commissioner of revenue, upon request, to disclose to attorney general, or attorney working under attorney's general supervision, information relevant to enforcement of Tobacco Manufacturers' Escrow Fund Act; authorizes attorney general to disclose otherwise confidential information in order to enforce Act. - TCA Title 67, Chapter 4, Part 10. by *Clabough. (*HB3149 by *Givens)

Senate Bill No. 3095 -- Land, Agricultural and Open Spaces - Specifies that certain regulations apply to property held jointly, in common, or by entirety and that land be noncontiguous tract within same county; eliminates certain woodlands and wastelands from classification; establishes procedure for rollback assessment and taxes. - TCA Sections 67-5-1003 through 67-5-1008. by *Henry. (*HB3147 by *Fowlkes)

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***Senate Bill No. 3103** -- Campaigns and Campaign Finance - Requires registry of election finance to post contribution information from campaign financial disclosure records on-line to public by means that are searchable, viewable, and accessible in read-only format through Internet on Web site maintained by registry of election finance. Amends TCA Title 2, Chapter 10. by *Kurita. (HB3198 by *Maddox)

Senate Bill No. 3115 -- Medical Occupations - Authorizes dentist to practice anesthesiology if such dentist completed residency program in anesthesiology at accredited medical school from 1963 to 1969 and has been providing anesthesia services since 1963. Amends TCA Section 63-6-204. by *Person. (*HB3187 by *Ferguson)

Senate Bill No. 3141 -- Drugs - Requires director of TBI, board of pharmacy, and board of medical examiners to report on and make recommendations concerning problem of oxycontin abuse with particular attention to issue in rural areas. Amends TCA Title 39; Title 53 and Title 63. by *Herron, *Burks. (*HB3184 by *Maddox)

Senate Bill No. 3181 -- Medical Occupations - Clarifies that provisions relative to practice of reflexology do not apply to massage therapists. Amends TCA Title 63, Chapter 30, Part 1. by *Atchley. (*HB2841 by *Odom)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 3250** -- Williamson County -- Local Bill Held on House Desk

House Bill No. 3251 -- Perry County -- Local Bill Held on House Desk

House Bill No. 3252 -- Normandy -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 19, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for March 25, 2002**: House Bill(s) No(s). 3165, 2863, 2956, 3088, 2159, 2668, 2637, 2632, 2520, 2524, 2127, 2129, 3149 and 2351.

The Committee also set the following bill(s) on the **Regular Calendar for April 3, 2002**: House Bill(s) No(s). 2869.

The Committee further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar for March 25, 2002**: House Bill(s) No(s). 2961, 2398, 2643 and 2111.

AGRICULTURE

The Agriculture Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2882 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CHILDREN AND FAMILY AFFAIRS

The Children and Family Affairs Committee recommended for passage: House Bill(s) No(s). 2883, 2886, also House Bill(s) No(s). 2385 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2425 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 2241; also House Bill(s) No(s). 3153 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2592; also House Bill(s) No(s). 3028 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2867, 2224 and Senate Joint Resolution(s) No(s). 529. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2709, 2718, 2719, 2724, 2726, 2747, 2759 and 2763. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommended that House Bill(s) No(s). 2889, 2949 be transmitted to the Commerce Committee, House Bill(s) No(s). 2317 be transmitted to the Education Committee, and House Bill(s) No(s). 2939 be transmitted to the Health and Human Resources Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2372, House Joint Resolution(s) No(s). 685, also House Bill(s) No(s). 2272 and 2064 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2992, 2564, 2645, 2853, 3037, 2871, 3103, also House Bill(s) No(s). 3003, 2093 and 2868 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3010, 2506, 2099; also House Bill(s) No(s). 2920 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 20, 2002**, reported the following:

JUDICIARY

The Judiciary Committee recommended for passage: House Joint Resolution(s) No(s). 682, also House Bill(s) No(s). 2913 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2128. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2917 and 2916 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2535, 3078, 2644, Senate Joint Resolution(s) No(s). 520; also House Bill(s) No(s). 2360 and 3041 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 21, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **March 25, 2002**: House Bill(s) No(s). 2272, 2903, 1537, 2219, 2890, 2224, 2895 and 2928.

The Committee also set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 25, 2002**: House Bill(s) No(s). 2344 and 3140.

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The Committee further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 3, 2002**: House Joint Resolution(s) No(s). 685.

CAPTION BILLS REFERRED March 19, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1247, 2931 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 1247 -- Motor Vehicles, Titling and Registration – House Transportation Committee

***House Bill No. 2931** -- Taxes, Privilege – House Finance, Ways and Means Committee

CAPTION BILLS REFERRED March 20, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1416, 2195, 2546 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 1416** -- Auctions and Auctioneers - House Consumer and Employee Affairs Committee

***House Bill No. 2195** -- Attorneys at Law – House Judiciary Committee

House Bill No. 2546 -- Mobile Homes and Manufactured Buildings - House Commerce Committee

CONSENT CALENDAR

***House Bill No. 2961** -- Boards and Commissions - Adds seven private sector members to board of Tennessee Technology Development Corporation Board. Amends TCA Title 4, Chapter 14. by *Kisber, *Caldwell. (SB3106 by *McNally)

***House Bill No. 2398** -- State Employees - Authorizes commissioned employee of department of environment and conservation, bureau of state parks, having at least 25 years of honorable service to retain service weapon after retiring; also applies if officer retires on disability retirement. Amends TCA Section 11-3-107. by *Rinks. (SB2612 by *Cooper J)

On motion, House Bill No. 2398 was made to conform with **Senate Bill No. 2612**; the Senate Bill was substituted for the House Bill.

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House Bill No. 2643 -- Tennessee Wildlife Resources Agency - Creates deer management assistance program administered by TWRA; permits persons controlling hunting access on contiguous land to achieve management goals and to exceed normal season harvest; acreage must exceed 1,000 acres and permit must be purchased. Amends TCA Section 70-1-302. by *Bittle. (*SB2522 by *Ramsey)

On motion, House Bill No. 2643 was made to conform with **Senate Bill No. 2522**; the Senate Bill was substituted for the House Bill.

House Bill No. 2111 -- Evidence - Makes driver record maintained by department of safety prima facie evidence of defendant's prior conviction in prosecution for subsequent offense of driving on suspended, revoked, or canceled driver license unless allegation of error made in writing. Amends TCA Title 55, Chapter 50. by *Newton, *Westmoreland. (*SB2022 by *Jackson, *Davis L)

House Joint Resolution No. 748 -- Memorials, Death - James Masco Meadows, Sr. by *Bone.

House Joint Resolution No. 749 -- Memorials, Death - Mary Elizabeth Enoch. by *Bone.

House Joint Resolution No. 750 -- Memorials, Recognition - Willie Leduc, Westmoreland Citizen of the Year. by *McDonald.

House Joint Resolution No. 751 -- Memorials, Personal Achievement - Patrick Ford, Eagle Scout. by *Hargett, *Pleasant.

House Bill No. 3234 -- Putnam County - Subject to local approval, increases purchasing amount that triggers requirement for competitive bidding; requires that certain purchases for less than such dollar amount must be made only after obtaining written quotes from at least three vendors. Amends Chapter 63 of the Private Acts of 1981. by *Hargrove. (SB3175 by *Burks)

House Bill No. 3245 -- Hawkins County - Subject to local approval, increases board of education from five to seven, one to be elected from each of seven county commission districts. Amends Chapter 129 of the Private Acts of 1939. by *Givens. (SB3200 by *Williams, Sen.)

House Bill No. 3244 -- Weakley County - Subject to local approval, increases compensation of Weakley County highway commissioners from not less than \$200 per month to not less than \$300 per month, effective September 1, 2002. Amends Chapter 640 of the Private Acts of 1949; as amended. by *Maddox. (SB3185 by *Herron)

House Bill No. 3238 -- Van Buren County - Subject to local approval, increases hotel/motel tax from 5 percent to 7 percent and allocates proceeds. Amends Chapter 168 of the Private Acts of 1984. by *Rhinehart. (SB3189 by *Eisea)

House Bill No. 3241 -- Mountain City - Subject to local approval, specifies that alderman may run for office of mayor and that aldermen and mayor may run for reelection. Amends Chapter 193 of the Private Acts of 1955; as amended. by *Mumpower.

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House Bill No. 3242 -- Johnson County - Subject to local approval, restructures board of educational commissioners. Amends Chapter 183 of the Private Acts of 1949, by *Mumpower. (SB3184 by *Crowe)

House Bill No. 3236 -- Athens - Subject to local approval, revises residency requirement for voting in city elections, bid requirements for purchases by school board, and other charter provisions regarding civil penalties. Amends Chapter 455 of the Private Acts of 1953; as amended, by *McKee. (SB3183 by *Elsea)

House Bill No. 3248 -- Polk County - Subject to local approval, revises school board. - Repeals Chapter 190 of the Private Acts of 1975, by *Newton. (SB3193 by *Kurita)

House Bill No. 3247 -- Harriman - Subject to local approval, revises powers and duties of city council; changes date on which interest on city tax debt begins to accrue; makes other various changes to city charter. Amends Chapter 49 of the Acts of 1891; as amended, by *Ferguson.

House Bill No. 3249 -- Erin - Subject to local approval, provides for four-year term of office of mayor and aldermen instead of two-year term. Amends Chapter 403 of the Private Acts of 1951, as amended, by *Ridgeway. (SB3190 by *Kurita)

House Bill No. 3243 -- Clarksville - Subject to local approval, deletes language from charter which conflicts with Tennessee Open Meetings Act. Amends Chapter 292 of the Private Acts of 1957, by *Head, *McMillan. (SB3186 by *Kurita)

House Bill No. 3235 -- Sumner County - Subject to local approval, creates county Financial Management System, by *Black, *McDonald. (SB3191 by *Graves)

House Bill No. 2679 -- Nolensville - Subject to local approval, revises amount of tax imposed on new residential and non-residential development. Amends Chapter 100 of the Private Acts of 1997, by *Casada, *Sargent. (SB2874 by *Blackburn)

House Bill No. 2344 -- Highway Signs - "Thomas Anthony Utley Memorial Bridge," S.R. 52 East overpass bridge in Portland, Sumner County, by *McDonald, *Black. (*SB2177 by *Graves)

On motion, House Bill No. 2344 was made to conform with **Senate Bill No. 2177**; the Senate Bill was substituted for the House Bill.

***House Bill No. 3140** -- Water - Authorizes local government to assign its rights and obligations under wastewater facility revolving loan; revises provisions regarding wastewater facilities; requires all regional authorities to file annual financial audit with comptroller. - Titles 4, 7, 64 and 68 of the TCA, by *White. (SB3093 by *Henry)

Senate Joint Resolution No. 589 -- Memorials, Retirement - Rabbi Rafael G. Grossman, by *Cohen, *Dixon.

Senate Joint Resolution No. 590 -- Memorials, Death - Vaughn Edward Brewer, by *Ramsey.

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Rep. McDonald moved that all members voting aye on House Joint Resolution No. 750 be added as sponsors, which motion prevailed.

JOURNAL CORRECTION

House Bill No. 3216, previously listed to be placed on today's Consent Calendar, was done so in error and has been removed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2679: by Rep. Rinks

Under the rules, House Bill(s) No(s). 2679 was/were placed at the foot of the calendar for April 3, 2002.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Bowers, Brooks -- 2.

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Rep. Miller was recognized in the well to introduce area policemen and firefighters in honor of those fallen on September 11, 2001, for remarks.

RULES SUSPENDED

Rep. Miller moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 618 out of order, which motion prevailed.

House Joint Resolution No. 618 -- Memorials, Heroism - Personnel of New York City Fire and Police Departments, Port Authority Police Department, and emergency medical personnel and other responders who died or were injured during events of September 11, 2001. by *Miller L, *Langster, *Todd, *Pleasant, *Turner (Davidson), *Jones U (Shelby), *Westmoreland, *Kent, *Rinks, *Davidson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Miller, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 150 -- Cocke County - Subject to local approval, declares shipment, possession, use, or sale of fireworks to be illegal act other than for public display by holders of permit for public display. by *Davis (Cocke). (SB26 by *Haun)

Further consideration of House Bill No. 150 previously considered on January 28, 2002, January 31, 2002, February 21, 2002 and March 11, 2002, at which time it was reset for today's Calendar.

Rep. Davis (Cocke) moved that House Bill No. 150 be reset for the Regular Calendar on July 4, 2002, which motion prevailed.

House Bill No. 1466 -- Managed Care Organizations - Establishes standard of care for managed care entities making healthcare decisions; imposes civil liability on managed care entities that fail to exercise such standard of care. Amends TCA Title 29 and Title 56. by *McMillan, *Naifeh, *Todd, *Stanley, *Odom, *Newton, *Turner (Davidson), *Williams, *Jones, S., *Briley, *Fitzhugh, *Shepard, *Turner (Hamilton), *Patton, *Ford S, *Givens, *Kent, *Cole (Carter). (*SB20 by *Kyle, *Person)

Further consideration of House Bill No. 1466 previously considered on July 11, 2001, July 12, 2001, January 8, 2002, January 28, 2002, February 18, 2002 and March 11, 2002, at which time it was reset for today's Calendar.

Rep. Fitzhugh moved that House Bill No. 1466 be reset for the Regular Calendar on April 8, 2002, which motion prevailed.

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***House Bill No. 3146** -- Taxes, Ad Valorem - Requires that repayment suits for wrongful collection be tried in county where taxes are collected. - TCA Section 67-1-904. by *Fowlkes. (SB3130 by *Rochelle)

Further consideration of House Bill No. 3146 previously considered on March 18, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Fowlkes moved that **House Bill No. 3146** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2742 -- Sunset Laws - Tennessee Duck River development agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1. by *Kernell, *Brooks, *Cooper B. (*SB2077 by *Harper, *Burchett, *Trail)

Further consideration of House Bill No. 2742 previously considered on March 18, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Kernell moved that House Bill No. 2742 be reset for the Regular Calendar on April 3, 2002, which motion prevailed.

House Bill No. 2419 -- Growth and Development - Places property of airport with regularly scheduled commercial passenger service located in county other than county where creating municipality is located in annexation free zone. Amends TCA Title 6, Chapter 58, Part 1. by *Tindell, *Armstrong, *Jones U (Shelby). (*SB2421 by *Atchley)

Further consideration of House Bill No. 2419 previously considered on March 18, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

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On motion, House Bill No. 2419 was made to conform with **Senate Bill No. 2421**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that **Senate Bill No. 2421** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes89
Noes3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Johnson, McCord, Overbey -- 3.

A motion to reconsider was tabled.

COMMUNICATION

To: Speaker Naifeh

From: Representative(s) Harry Tindell, Joe Armstrong, and Ulysses Jones

Re: Legislative Intent Statement on HB 2419/SB2421

We hereby request that these comments on House Bill 2419/Senate Bill 2421 be entered and spread upon the Journal.

Thank you.

**Legislative Intent Statement on HB 2419/SB2421
March 18, 2002**

House Bill 2419 is applicable to the property of an airport located in a county other than the county where the creating municipality is located. It provides that the property of such an airport shall be and remain in an annexation-free zone except upon approval by resolution of the legislative body of the creating municipality.

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It is the legislative intent of House Bill 2419 to prevent the annexation of such airport property, either by ordinance or by referendum, by another municipality except upon approval of the creating municipality. This is what is meant by use of the term "annexation-free" zone in the legislation. Under state law, Tennessee Code Annotated 42-4-102(a), an airport authority is a public and governmental body which acts as an instrumentality and agency of its creating and participating municipality. In that sense, an airport authority is itself a political subdivision. As such, it should not be subject to annexation by any method without the approval of its creating municipality.

Further, there is precedent in existing law for protection from annexation of airport property. For example, Under Tennessee Code Annotated, Section 6-51-117, the property of a regional airport commission jointly created by three (3) or more municipalities and counties, but located outside the boundaries of the participating municipalities, is not subject to annexation by any municipality without the prior consent of the participating municipalities and counties. In effect, this law established the same "annexation-free zone" intended by House Bill 2419.

Further, under Tennessee Code Annotated, Section 6-58-108(e)(1), after May 19, 1998, a municipality may not annex by ordinance property in a county other than the county in which the city hall of the annexing municipality is located without the approval by resolution of the county legislative body of the county in which the territory proposed to be annexed is located. This declaration is similar to what is intended by the establishment of the annexation-free zone in House Bill 2419 since the creating municipality in the scenario protected by House Bill 2419 is located in a county other than that of the municipality that would be attempting to annex the airport property in question.

Further, House Bill 2419 is intended to apply to property owned by an airport authority as of the date of passage of the legislation as well as all future property of such airport and its authority whether acquired by purchase or through the exercise of eminent domain authority by the airport.

REGULAR CALENDAR, CONTINUED

House Bill No. 834 -- Insurance Companies, Agents, Brokers, Policies - Adds "alien insurance company" as defined term under general provisions of department of commerce and insurance. Amends TCA Title 56. by *McDaniel. (*SB175 by *Atchley)

Further consideration of House Bill No. 834 previously considered on March 18, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 834 was made to conform with **Senate Bill No. 175**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 175 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

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Rep. McDaniel moved that **Senate Bill No. 175** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 3196 -- Consumer Protection - Requires providers of cellular communication services to publish and furnish to its customers, prospective consumers, and to consumer division of office of attorney general accurate map of its service areas, including areas within such service area where there is no service or inadequate signals to support viable communication services. Amends TCA Title 47, Chapter 18 and Title 65. by *Fitzhugh, *Hargett. (*SB3153 by *Cooper J)

Further consideration of House Bill No. 3196 previously considered on March 18, 2002, at which time it was reset for today's Calendar.

Rep. Fitzhugh moved that House Bill No. 3196 be passed on third and final consideration.

Rep. Fitzhugh moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3196 By deleting Section 47-18-2802 of the amendatory language of SECTION 1 and substituting instead the following:

Section 47-18-2802. Information furnished by providers of cellular communication services pursuant to § 47-18-2801, shall be updated on a quarterly basis and shall delineate, in sufficient detail as to reasonably inform consumers, areas of inadequate signal or interruption of service in detail.

On motion, Amendment No. 1 was adopted.

Rep. Briley moved the previous question, which motion prevailed.

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Rep. Fitzhugh moved that **House Bill No. 3196**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	64
Noes	24
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Casada, Chumney, Cole (Dyer), Curtiss, Davidson, DeBerry J, DeBerry L, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Hargett, Hargrove, Harwell, Head, Hood, Jones U, Kernell, Langster, Maddox, McDaniel, McDonald, McMillan, Miller, Newton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, White, Winningham, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Beavers, Bittle, Buttry, Clem, Cole (Carter), Davis (Cocke), Dunn, Hagood, Johnson, Kent, Kisber, McCord, McKee, Montgomery, Mumpower, Overbey, Rhinehart, Sargent, Scroggs, Sharp, Vincent, Westmoreland, Whitson, Windle -- 24.

Representatives present and not voting were: Davis (Washington), Odom, Patton -- 3.

A motion to reconsider was tabled.

***House Bill No. 2271** -- Public Health - Enacts "Tennessee Emergency Health Powers Act." Amends TCA Title 68. by *Bowers. (SB2392 by *Dixon)

Further consideration of House Bill No. 2271 previously considered on March 18, 2002, at which time it was reset for today's Calendar.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2271 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following language as a new, appropriately designated chapter:

§ 68-56-101. The title of this chapter is, and may be cited as, the "Tennessee Emergency Health Powers Act."

§ 68-56-102. The purpose of this chapter is to establish the framework by which the state of Tennessee will develop a comprehensive plan of preparation and response for public health emergencies that may arise from acts of bioterrorism.

§ 68-56-103. As used in this chapter, unless the context otherwise requires:

(a) "Bioterrorism" is the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population; and

(b) A "public health emergency" is an occurrence of imminent threat of an illness or health condition that:

(1) Is believed to be caused by any of the following:

(A) Bioterrorism;

(B) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

(C) A natural disaster;

(D) A chemical attack or accidental release;

or

(E) A nuclear attack or accident; and

(2) Poses a high probability of any of the following harms:

(A) A large number of deaths in the affected population;

(B) A large number of serious or long-term disabilities in the affected population; or

(C) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

§ 68-56-104. There is created the public health emergency advisory committee. The commissioner of health shall serve as an ex officio, voting member of the advisory committee and as chair of the committee. The deputy to the governor for homeland security shall serve as an ex officio, voting member of the committee and as vice chair of the committee. The governor shall appoint the following persons to also serve on the advisory committee:

- (1) One (1) representative of county government;
- (2) One (1) representative of county sheriffs;
- (3) One (1) representative of county health departments;
- (4) One (1) representative of municipal government;
- (5) One (1) representative of municipal chiefs of police;
- (6) One (1) representative of municipal fire chiefs;
- (7) One (1) representative of volunteer fire departments;
- (8) One (1) representative of the Tennessee emergency management agency, (TEMA);
- (9) One (1) representative of nonprofit hospitals;
- (10) One (1) representative of for-profit hospitals;
- (11) One (1) representative of hospitals owned by federal, state or local government;
- (12) One (1) representative of the Red Cross;
- (13) One (1) representative of Tennessee physicians;
- (14) One (1) representative of the university of Tennessee school of medicine; and
- (15) One (1) representative of the East Tennessee state university school of medicine.

Additionally, the speaker of the senate shall appoint one (1) member of the general welfare, health and human resources committee to serve as a member of the advisory committee; and the speaker of the house of representatives shall appoint one (1) member of the health and human resources committee to serve as a member of the advisory committee.

§ 68-56-105. It shall be the duty of the public health emergency advisory committee to:

(1) Recommend to the governor a detailed time-line for development and implementation of a comprehensive, state-wide plan for emergency preparation and response relative to bioterrorism events, infectious disease outbreaks and other public health emergencies;

(2) Identify the general framework as well as the requirements and necessary components of such comprehensive, state-wide plan;

(3) Recommend to the governor a detailed schedule and mechanism for the accurate assessment and periodic review of emergency preparation and response capabilities in order to facilitate and enhance planning and to assist in the identification and implementation of policy priorities;

(4) Identify the general framework as well as the requirements and necessary components of such assessment and periodic review;

(5) Recommend statutory changes necessary to implement the recommendations of the committee; and

(6) Otherwise assist the governor and the general assembly in developing, implementing and evaluating the comprehensive, state-wide plan for emergency preparation and response.

§ 68-56-106.

(a) Members of the public health emergency advisory committee shall receive no salary but shall be eligible to receive reimbursement for actual and necessary expenses incurred while performing the business of the advisory committee. Such reimbursement shall be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(b) Vacancies on the committee shall be filled by the governor.

(c) The committee shall cease to exist on June 30, 2005.

§ 68-56-107. There is created the hospital bio-preparedness planning committee. The commissioner of health shall serve as an ex officio, voting member of the committee and as chair of the committee. The deputy to the governor for homeland security shall also serve as an ex officio, voting member of the committee and as vice chair of the committee. The governor shall appoint the following persons to also serve on the planning committee:

- (1) One (1) representative of nonprofit hospitals;
- (2) One (1) representative of for-profit hospitals;
- (3) One (1) representative of hospitals owned by federal, state or local government;
- (4) One (1) representative of municipal fire chiefs;
- (5) One (1) representative of the Tennessee emergency management agency, (TEMA);
- (6) One (1) representative of Tennessee physicians;
- (7) One (1) representative of the university of Tennessee school of medicine;
- (8) One (1) representative of the East Tennessee state university school of medicine; and
- (9) One (1) representative of county health departments.

Additionally, the speaker of the senate shall appoint one (1) member of the senate to serve as a member of the planning committee; and the speaker of the house of representatives shall appoint one (1) member of the house of representatives to serve as a member of the planning committee.

§ 68-56-108. It shall be the duty of the hospital bio-preparedness planning committee to:

- (1) Recommend to the governor a detailed time-line for development and implementation of a system of comprehensive, regional hospital plans: each regional plan shall be capable of accommodating at least five hundred (500) patients in an emergency arising from a bioterrorism event, infectious disease outbreak or other public health emergency;
- (2) Identify the general framework as well as the requirements and necessary components of such regional hospital plans;

(3) Review and assess the various statutes, rules and ordinances that provide for credentialing, licensure and delegation of authority for executing emergency public health measures;

(4) Develop an emergency distribution and management plan: such plan shall identify specific personnel to be trained to receive and distribute critical stockpile items and to manage a mass distribution of vaccine or antibiotics in the event of a public health emergency;

(5) Develop a plan to continuously receive and evaluate urgent disease reports from across the state;

(6) Assess and improve epidemiological capacity within the state;

(7) Develop a plan to improve working relationships and communications among clinical laboratories, laboratory response network laboratories and public health officials;

(8) Develop a plan to ensure that the health alert network covers at least ninety percent (90%) of the state's population;

(9) Develop a plan for communications systems that provide a continuous flow of critical health information among hospital emergency departments, public health officials and law enforcement agencies;

(10) Develop a plan to enhance risk communication and information dissemination in order to educate the public regarding exposure risks and effective public responses;

(11) Assess training needs with special emphasis on emergency department personnel, infectious disease specialists, public health staff and other health care providers; and

(12) Recommend statutory changes necessary to implement the recommendations of the committee.

§ 68-56-109.

(a) Members of the hospital bio-preparedness planning committee shall receive no salary but shall be eligible to receive reimbursement for actual and necessary expenses incurred while performing the business of the planning committee. Such reimbursement shall be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

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(b) Vacancies on the committee shall be filled by the governor.

(c) The committee shall cease to exist on June 30, 2005.

SECTION 2. To the maximum extent possible, this act shall be implemented through utilization of federal financial resources made available to the state via CDC bioterrorism funding and via HRSA hospital first allocations.

SECTION 3. This act shall take effect on becoming a law, the public welfare requiring it, and is repealed June 30, 2005.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Shepard moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2271 By deleting the word "and" at the end of subdivision (14) of Section 68-56-104 of the amendatory language of Section 1, as amended by House Health & Human Resources Committee Amendment 1 [HA 809], and by deleting the period at the end of subdivision (15) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

(16) One (1) representative of Tennessee pharmacists.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that House Bill No. 2271 be referred to the House Finance, Ways and Means Committee and be properly put on notice for Wednesday, March 27, 2002.

REMARKS

Rep. Brooks requested that the following transcript of her remarks be spread upon the Journal as follows:

Rep. Brooks: My question is, Do all bills, are we saying for clarification, do all bills that have any financial impact must go to Finance or Budget Sub? Is that what we're saying?

Speaker Naifeh: Are you asking me or the chairman?

Rep. Brooks: The chairman [of Finance, Ways and Means].

Speaker Naifeh: Chairman Kisber.

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Rep. Kisber: Thank you Mr. Speaker. Under, I guess, the rules as they have been accepted by the members, it is been the precedent than any bill that has an affect on the expenditure funds of any amount have gone to the Finance Committee in previous years or previous years being three years or beyond where we had the funds to appropriate a sweeper amendment, we used to not do that, but in the most recent three years we have sent every bill that have had any kind of cost impact to the Finance Committee in order to assure that, One, we keep up with how much money we have in order to balance the budget and, secondly, to make sure that every member gets treated alike in the way in which the expenditure of dollars is placed. That was a precedent that was established by the rules and by the members of the House in the last three years.

Speaker Naifeh: Representative Brooks.

Rep. Brooks: Mr. Speaker, I would like my comments to be spread in the Journal.

Speaker: Without objection.

REGULAR CALENDAR, CONTINUED

Rep. Kisber moved that House Bill No. 2271 be referred to the House Finance, Ways and Means Committee and be properly put on notice for Wednesday, March 27, 2002, which motion prevailed by the following vote:

Ayes	75
Noes	16
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Biley, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shepard, Stanley, Tidwell, Tindell, Vincent, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Bowers, Brooks, Brown, Chumney, DeBerry J, Jones S, Jones U, Kernell, Langster, Miller, Montgomery, Pruitt, Shaw, Turner (Shelby), Turner (Davidson), West -- 16.

Representatives present and not voting were: Turner (Hamilton), Walker -- 2.

BILL REFERRED

Thereupon, House Bill No. 2271 was referred to the House Finance, Ways and Means Committee.

REGULAR CALENDAR, CONTINUED

House Bill No. 2615 -- Motor Vehicles, Titling and Registration - Specifies that payment of fee equal to cost of actually designing and manufacturing military cultural plates only applicable upon initial issuance or reissuance of plates, and not applicable at renewal. Amends TCA Title 55, Chapter 4, Part 2. by *Rowland. (*SB2764 by *Trail)

Further consideration of House Bill No. 2615 previously considered on March 18, 2002, at which time it was reset for today's Calendar.

Rep. Rowland moved that House Bill No. 2615 be reset for the Regular Calendar on April 8, 2002, which motion prevailed.

House Bill No. 1913 -- Teachers, Principals and School Personnel - Adds "terms and conditions of service" and "working conditions" to areas of negotiation covered by Education Professional Negotiations Act; provides for liberal construction of terms. Amends TCA Section 49-5-601. by *Davidson, *Winningham, *Williams, *Shaw, *Towns, *Davis (Cocke), *Whitson, *Sands, *Jones, S.. (*SB467 by *Kyle, *Cooper J, *Crutchfield)

Further consideration of House Bill No. 1913 previously considered on March 18, 2002, at which time it was reset for today's Calendar.

Rep. Davidson moved that House Bill No. 1913 be reset for the Regular Calendar on April 8, 2002, which motion prevailed.

House Bill No. 3013 -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6. by *Kisber. (*SB2812 by *Rochelle)

Rep. Kisber moved that House Bill No. 3013 be reset for the Regular Calendar on April 15, 2002, which motion prevailed.

House Bill No. 1108 -- Criminal Procedure - Requires bounty hunters operating in state to attend annually eight hours of training by department of commerce and insurance, such training shall include nonviolent apprehension of persons. Amends TCA Title 40, Chapter 11, Part 3. by *West. (*SB1382 by *Kurita)

Further consideration of House Bill No. 1108 previously considered on March 14, 2002, at which time it the House adopted Amendment No. 1 and the bill was reset for today's Calendar.

Rep. West moved that House Bill No. 1108 be reset for the Regular Calendar on April 8, 2002, which motion prevailed.

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House Bill No. 3165 -- Education, Higher - Removes documentation requirement for payment of benefits to BEST tuition contract beneficiary; removes penalty amount from refund due to scholarship award; permits transfer of benefits to another qualified tuition plan. Amends TCA Section 49-7-809 and Section 49-7-811. by *Davidson. (*SB2547 by *Haynes)

On motion, House Bill No. 3165 was made to conform with **Senate Bill No. 2547**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that **Senate Bill No. 2547** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 2863** -- Public Funds and Financing - Authorizes issuance and sale of state's interest-bearing revenue anticipation notes at not less than par and accrued interest; establishes other guidelines for such sale. Amends Title 9, Chapter 9. by *Kisber. (SB3094 by *Henry)

Rep. Kisber requested that House Bill No. 2863 be moved to the heel of the Calendar.

House Bill No. 2956 -- Financial Responsibility Law - Allows commissioner of safety to issue certificate of self-insurance to recognized religious sect or division. Amends TCA Title 55, Chapter 12, Part 1. by *Rinks, *McDaniel, *Fowlkes. (*SB2682 by *Clabough)

On motion, House Bill No. 2956 was made to conform with **Senate Bill No. 2682**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that **Senate Bill No. 2682** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 3088 -- Law Enforcement - Deletes requisite that as part of their continuing training requirements law enforcement officers receive training on investigation and handling of cases of sudden unexplained child death. Amends TCA Section 68-1-1102. by *Caldwell. (*SB2561 by *Clabough)

On motion, House Bill No. 3088 was made to conform with **Senate Bill No. 2561**; the Senate Bill was substituted for the House Bill.

Rep. Caldwell moved that Senate Bill No. 2561 be passed on third and final consideration.

Rep. Pruitt moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2561 By deleting Section 2 of the bill, as introduced, and by substituting instead the following sections:

SECTION 2. Tennessee Code Annotated, Section 68-1-1102(d), is further amended by adding the following language at the end of the subsection:

Additionally, whenever changes occur in policies or procedures pertaining to SIDS investigations, the department of health shall promptly notify the various law enforcement associations within the state. Such changes shall then be communicated in a timely manner to the respective law enforcement agencies for dissemination to their enforcement personnel.

SECTION 3. This act shall take effect December 31, 2003, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Caldwell moved that **Senate Bill No. 2561**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2159 -- Taxes, Litigation - Provides that collection of litigation tax on civil appeals is to occur at time appeal is docketed; excludes litigation taxes from interest and penalties for delinquent taxes; and authorizes appellate court clerk 15 percent commission for collecting litigation taxes. Amends TCA Title 8, Chapter 21; Title 67, Chapter 4 and Title 67, Chapter 1. by *Buck, *McMillan. (*SB2013 by *Person)

On motion, House Bill No. 2159 was made to conform with **Senate Bill No. 2013**; the Senate Bill was substituted for the House Bill.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Buck moved that Senate Bill No. 2013 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 2013** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Windle -- 1.

A motion to reconsider was tabled.

House Bill No. 2524 -- Business Organizations - Clarifies that unless earlier canceled, filed statement of partnership authority is canceled by operation of law on date on which statement or most recent amendment was filed with register of deeds; present statute provides such filing is with county clerk. Amends TCA Title 61. by *McMillan. (*SB2381 by *Jackson)

On motion, House Bill No. 2524 was made to conform with **Senate Bill No. 2381**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2381 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 2381** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

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***House Bill No. 2127** -- Divorce, Annulment and Alimony - Allows parties petitioning for divorce or separation to apply to court for injunctive relief against another party, but third party is not bound by injunctions taking effect upon filing of petition. Amends TCA Section 36-4-106. by *McMillan. (SB2410 by *Norris)

On motion, House Bill No. 2127 was made to conform with **Senate Bill No. 2410**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that **Senate Bill No. 2410** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 2129** -- Judges and Chancellors - Extends jurisdiction of court of judiciary to include all persons presiding over courts, such as special judges, and to candidates for judicial office; gives court more flexibility in fashioning appropriate sanction; and defines available sanctions. Amends TCA Title 17, Chapter 5. by *McMillan. (SB2386 by *Trail)

On motion, House Bill No. 2129 was made to conform with **Senate Bill No. 2386**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that **Senate Bill No. 2386** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	1
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Johnson -- 1.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

House Bill No. 2668 -- Fees - Increases additional fee from \$10.00 to \$15.00 for driving with invalid license and driving under influence earmarked for traumatic brain injury fund; adds additional fee of \$15.00 for adult driving while impaired to be earmarked for such fund. Amends TCA Title 68, Chapter 55, Part 3. by *Jones U (Shelby). (*SB2348 by *Ford J)

Rep. U. Jones moved that **House Bill No. 2668** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Clem -- 1.

Representatives present and not voting were: Windle -- 1.

A motion to reconsider was tabled.

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House Bill No. 2637 -- Workers' Compensation - Permits employer to file action that joins second injury fund as defendant. Amends TCA Title 50, Chapter 6, by *Overbey. (*SB2862 by *Trail)

BILL HELD ON DESK

Rep. Overbey moved that House Bill No. 2637 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2351 -- Agriculture - Clarifies rebuttable presumption that farm operations are not public or private nuisances may be overcome if claimant establishes by preponderance of evidence based on competent expert testimony that operation does not conform to generally accepted agricultural practices. Amends TCA Title 43, Chapter 26, Part 1, by *Givens, *Baird, *Bone, *Windle, *Fraley, *Newton, *Montgomery, *Johnson, *Sargent, *Pinion, *Walker, *Mumpower, *Davis (Washington), *Sands, *Curtiss, *Ford S. (*SB2135 by *Haun, *Crowe, *Ramsey, *Miller J, *McNally, *Williams, Sen., *Carter, *Burks, *Jackson, *Norris, *Davis L)

On motion, House Bill No. 2351 was made to conform with **Senate Bill No. 2135**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that Senate Bill No. 2135 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as amended as follows:

Amendment No. 1

AMEND Senate Bill No. 2135 By deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 43-26-103, is amended by deleting the section in its entirety and by substituting instead the following:

Section 43-26-103. (a) It is a rebuttable presumption that a farm or farm operation, except a new type of farming operation as described in subsection (b), is not a public or private nuisance. The presumption created by this subsection may be overcome only if the person claiming a public or private nuisance establishes by preponderance of the evidence that either:

(1) the farm operation, based on expert testimony, does not conform to generally accepted agricultural practices; or,

(2) the farm or farm operation alleged to cause the nuisance does not comply with any applicable statute or regulation, including without limitation statutes and regulations administered by the department of agriculture or the department of environment and conservation.

(b) With regard to the initiation of a new type of farming operation, there is a rebuttable presumption that such new type of farm operation is not a public or private nuisance, if the new type of farming operation exists for one (1) year or more on the land that is the subject of an action for nuisance before such action is initiated. The presumption created by this subsection may be overcome only if the person claiming a public or private nuisance establishes by a preponderance of the evidence that either:

(1) the new type of farm operation, based on expert testimony, does not conform to generally accepted agricultural practices; or,

(2) the new type of farm operation alleged to cause the nuisance does not comply with any applicable statute or regulation, including without limitation statutes and regulations administered by the department of agriculture or the department of environment and conservation.

(c) As used in this section, "new type of farming operation" means a farm operation that is materially different in character and nature from previous farming operations and that is initiated subsequent to the date that the person alleging nuisance became the owner or lessee of the land, the use or enjoyment of which is alleged to be affected by the farming operation; "new type of farming operation" does not include the expansion or addition of facilities for a type of farming operation that existed on the land that is the subject of an action for nuisance prior to the date that the person alleging nuisance became the owner or lessee of the land, the use or enjoyment of which is alleged to be affected by the farming operation.

(d) Nothing in this section shall be construed as limiting the ability of the trier of fact to determine whether a particular farming activity is either a new type of farming operation as defined in this section, or is an expansion of or addition to an existing type of farming operation.

On motion, Judiciary Committee Amendment No. 1 as amended was adopted.

Rep. Givens moved that **Senate Bill No. 2135**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2632 -- Motor Vehicles - Redefines "abandoned motor vehicle"; authorizes demolition of certain motor vehicles left on property or in possession of another. Amends TCA Title 55, Chapter 16. by *Turner (Davidson), *Jones, S., *Arriola, *Odom, *Briley, *Pruitt, *Garrett, *Harwell. (*SB2416 by *Haynes)

Rep. Turner (Davidson) moved that House Bill No. 2632 be reset for the Regular Calendar on April 3, 2002, which motion prevailed.

House Bill No. 2520 -- Notary Public - Requires certain notices to be posted by notaries public advertising in language other than English. Amends TCA Title 8, Chapter 16. by *Turner (Davidson). (*SB2139 by *Henry)

Rep. Turner (Davidson) moved that House Bill No. 2520 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2520 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 16, is amended by adding the following as a new section:

PART 4. CONSUMER PROTECTION

8-16-401. A notary public who is not an attorney licensed to practice law in this state who advertises in any language the person's services as a notary public by radio, television, signs, pamphlets, newspapers, telephone directory or other written or oral communication, or in any other matter, shall include with such advertisement the notice set forth in this Section in English and in the language used in the advertisement. The notice shall be of conspicuous size and shall state:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF TENNESSEE, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

An advertisement on radio or television must include substantially the same message.

8-16-402. A notary public who is not an attorney licensed to practice law is prohibited from representing or advertising that the notary public is an immigration consultant, immigration paralegal or expert on immigration matters unless the notary public is an accredited representative of an organization recognized by the Board of Immigration Appeals. Pursuant to Title 8, Part 292, Section 2(a-3) of the Code of Federal Regulations (8 CFR § 292.2(a-e)) or any subsequent federal law.

8-16-403. Any failure to comply with the foregoing provisions constitutes an unfair or deceptive act as provided for in Tennessee Code Annotated, Section 47-18-104.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Turner (Davidson) moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2520 by adding the following to the amendatory language of Section 1 of the amended bill as new Section 8-16-404:

Section 8-16-404.

The provisions of Part 4 shall not apply to (1) notary services offered a state or national bank, trust company, savings and loan association, savings bank or by any affiliate or subsidiary of such state or national bank, trust company, savings and loan association or savings bank or any agent or employee thereof; or to (2) any offering of notary services or listing of fees for notary services as a part of the closing of any loan transaction, extension of credit, security instrument or transfer of title.

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On motion, Amendment No. 2 was adopted.

Rep. Turner (Davidson) moved that **House Bill No. 2520**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes89

Noes1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Vincent -- 1.

A motion to reconsider was tabled.

***House Bill No. 3149** -- Tobacco Master Settlement Agreement - Authorizes commissioner of revenue, upon request, to disclose to attorney general, or attorney working under attorney's general supervision, information relevant to enforcement of Tobacco Manufacturers' Escrow Fund Act; authorizes attorney general to disclose otherwise confidential information in order to enforce Act. - TCA Title 67, Chapter 4, Part 10. by *Givens. (SB3077 by *Clabough)

On motion, House Bill No. 3149 was made to conform with **Senate Bill No. 3077**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that **Senate Bill No. 3077** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92

Noes0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 2272** -- Hospitals and Health Care Facilities - Specifies that entity which obtained certificate of need prior to bill's effective date for mobile MRI system serving providers in defined geographical error does not have to acquire additional certificate of need to provide such service in defined area after bill's effective date. Amends TCA Title 68, Chapter 11, Part 1. by *Bowers. (SB2394 by *Dixon)

Rep. Bowers moved that House Bill No. 2272 be passed on third and final consideration.

Rep. Pruitt moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2272 by deleting the language following the enacting clause in the printed bill in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-106, is amended by adding a new, appropriately designated subsection as follows:

(p) Notwithstanding any other provisions of this section, an application for a certificate of need to initiate magnetic resonance imaging services may be approved for up to three sites within a defined geographic area, provided:

(1) The application proposes a mobile magnetic resonance imaging unit;

(2) The application identifies each specific location at which magnetic resonance imaging services are proposed to be provided;

(3) The public notice requirements of this section are satisfied with regard to each location identified in the application; and

(4) The commission determines that the criteria for granting a certificate of need, as set forth in section 68-11-108, have been established for each of the locations identified in the application.

The commission may grant a certificate of need for some or all of the locations identified in the application.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

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Rep. Bowers moved that **House Bill No. 2272**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Kernell, McDonald -- 2.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2903** -- Water Pollution - Requires public water supplier to notify department of environment and conservation within 24, instead of 48, hours of learning public water system is noncompliant with current primary drinking water regulations; exempts from public records law information that identifies exact geographic location of public water system intake or wellhead protection area. by *Montgomery. (SB2950 by *Ramsey)

Rep. Montgomery moved that House Bill No. 2903 be passed on third and final consideration.

Rep. Montgomery moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2903 by deleting section 3 and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 68-221-711, is amended by deleting subsection (5) and substituting instead the following:

(5) The discharge by any person of sewage or any other waste or contaminant at such proximity to the intake, well or spring serving a public water system in such a manner or quantity that it will or will likely endanger the health or safety of customers of the system or cause damage to the system.

AND FURTHER AMEND by deleting section 4 and substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 68-221-711, is amended by deleting subsection (8) and substituting instead the following:

(8) The heavy pumping or other heavy withdrawal of water from a public water system or its water supply source in a manner that would either interfere with existing customers' normal and reasonable needs or threaten existing customers' health and safety.

And by deleting sections 2 and 5 in their entirety and renumbering the remaining sections.

On motion, Amendment No. 1 was adopted.

Rep. Montgomery moved that **House Bill No. 2903**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1537** -- Education - Creates neighborhood school pilot program that requires 25 percent of teachers in participating schools to live within 10-mile radius of school; program goal is to enable teachers to be aware of and respond to learning and living environment of students. Amends TCA Title 49, Chapter 6, by *DeBerry L. (SB1802 by *Dixon)

Rep. L. DeBerry moved that House Bill No. 1537 be passed on third and final consideration.

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Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1537 by deleting the first two sentences of Section 2 of the printed bill and substituting the following:

Section 49-6-8101. No later than January 1, 2003, the department of education shall establish a pilot neighborhood school program for elementary school students in up to four (4) Tennessee elementary schools. The department shall select schools in counties having a population in excess of eight hundred thousand (800,000) according to the 2000 federal census or any subsequent federal census.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **House Bill No. 1537**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Winningham, Wood, Mr. Speaker Naifeh – 90.

Representatives present and not voting were: Clem, Goins – 2.

A motion to reconsider was tabled.

***House Bill No. 2219** -- Administrative Procedure (UAPA) - Permits petition for judicial review of final decision of department of children's services in contested case to be filed in county in which one or more petitioners reside as well as in county of residence of commissioner. Amends TCA Title 4, Chapter 5. by *Dunn. (SB2366 by *Williams, Sen.)

Rep. Dunn moved that **House Bill No. 2219** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2890** -- Securities - Establishes requirements for person to transact business as investment advisor representative. Amends TCA Title 48, Chapter 2, Part 1. by *Sargent, *Arriola. (SB2937 by *Clabough)

On motion, House Bill No. 2890 was made to conform with **Senate Bill No. 2937**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that **Senate Bill No. 2937** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Beavers -- 1.

A motion to reconsider was tabled.

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House Bill No. 2224 -- Taxes, Hotel Motel - Continues Davidson County 1 percent hotel occupancy tax for tourism promotion by deleting sunset provision which repealed increase effective June 30, 2002. Amends Chapter 320 of the Public Acts of 1999. by *Arriola, *Garrett, *Odom, *Briley, *Turner (Davidson), *Pruitt, *Jones, S., *Langster, *Harwell, *West. (*SB2041 by *Henry)

On motion, House Bill No. 2224 was made to conform with **Senate Bill No. 2041**; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that **Senate Bill No. 2041** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood -- 93.

Representatives present and not voting were: Vincent -- 1.

A motion to reconsider was tabled.

***House Bill No. 2895** -- TennCare - Authorizes department of commerce and insurance to survey persons disenrolled by TennCare program between July 1, 2001, and June 30, 2002, to determine such persons' ability to obtain other health insurance. Amends TCA Section 56-32-231. by *McDaniel. (SB2942 by *Clabough)

Rep. McDaniel moved that House Bill No. 2895 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2895 by adding the following new section immediately preceding the last section of the printed bill and by renumbering the subsequent section accordingly:

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SECTION 3. The cost incurred by the department of commerce and insurance in conducting the survey shall be paid from existing revenue available to the TennCare program including, but not limited to, TennCare reserve funds.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. McDaniel moved that **House Bill No. 2895**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 2928 -- Agriculture - Adds "appearance" to conditions that do not constitute grounds for nuisance action or proceeding against feedlot, dairy farm, or egg production house; defines "appearance". Amends TCA Title 44, Chapter 18. by *Bone. (*SB2802 by *Rochelle, *Burks)

On motion, House Bill No. 2928 was made to conform with **Senate Bill No. 2802**; the Senate Bill was substituted for the House Bill.

Rep. Bone moved that Senate Bill No. 2802 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2802 by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 44-18-101(3), is amended by deleting the language "Egg production house" and by substituting the language "Poultry production house" and by inserting the language "or broilers" after the language "production of eggs".

SECTION 2. Tennessee Code Annotated, Title 44, Chapter 18, Part 1, is amended by deleting the language "egg production" wherever such language appears in the part and by substituting instead the language "poultry production".

SECTION 3. Tennessee Code Annotated, Section 44-18-102, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The normal noises and appearance of the animals or fowls, the noises in the operation of the equipment or the appearance of the equipment, the odors normally associated with any feedlot, dairy farm or poultry production house, the appearance of a feedlot, dairy farm or poultry production house, or litter and/or manure additive that is designed to bind soluble phosphorous in conformity with the TN NCRS interim conservation practice standard if used by any feedlot, dairy farm or poultry production house, shall not constitute grounds for any nuisance action or proceeding against a feedlot, dairy farm or poultry production house brought by or on behalf of a person whose date of ownership of realty is subsequent to the established date of operation of such feedlot, dairy farm or poultry production house.

SECTION 4. This act shall take effect on July 1, 2002, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Bone moved that **Senate Bill No. 2802**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MONDAY, MARCH 25, 2002 – EIGHTIETH LEGISLATIVE DAY

***House Bill No. 2863** -- Public Funds and Financing - Authorizes issuance and sale of state's interest-bearing revenue anticipation notes at not less than par and accrued interest; establishes other guidelines for such sale. Amends Title 9, Chapter 9. by *Kisber. (SB3094 by *Henry)

On motion, House Bill No. 2863 was made to conform with **Senate Bill No. 3094**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 3094** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1267 -- Forest and Forest Products - Prohibits clear cutting in Standing Stone State Park. Amends TCA Title 11. by *Windle. (*SB281 by *Davis L, *Burks, *Williams, Sen.)

Rep. Windle moved that House Bill No. 1267 be reset for the Message Calendar on April 3, 2002, which motion prevailed.

UNFINISHED BUSINESS

BILL RE-REFERRED

Rep. Cole (Dyer) moved that **House Bill No. 1056** be re-referred from the State and Local Government Committee to the Local Government Subcommittee, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. Turner (Hamilton), **House Bill No. 1228** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Turner (Hamilton), **House Bill No. 1493** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Turner (Hamilton), **House Bill No. 1494** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Turner (Hamilton), **House Bill No. 1495** was recalled from the State and Local Government Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Resolution No. 234 out of order, which motion prevailed.

House Resolution No. 234 -- Memorials, Recognition - Projected TennCare Schizophrenia Center of Excellence. by *Armstrong, *DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Armstrong, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for March 25, 2002:

House Resolution No. 233 -- Memorials, Recognition - Les Douze Amies Social and Civic Club. by *Langster, *Jones, S..

House Resolution No. 235 -- Memorials, Personal Occasion - Pearline B. Green, 96th birthday. by *Langster, *DeBerry L.

House Resolution No. 236 -- Memorials, Academic Achievement - Jessany Paiton Dunn, Outstanding Student. by *Godsey, *Westmoreland.

House Joint Resolution No. 754 -- Memorials, Public Service - Robert J. Eddlemon. by *Phelan.

House Joint Resolution No. 755 -- Memorials, Public Service - Brenda L. Cleaver. by *Brooks.

MONDAY, MARCH 25, 2002 – EIGHTIETH LEGISLATIVE DAY

House Joint Resolution No. 756 -- Memorials, Professional Achievement - Priscilla Mills, First Female CEO of Lakeway Hospital. by *Ford S.

House Joint Resolution No. 759 -- Memorials, Retirement - William Martin Woods. by *Pleasant.

House Joint Resolution No. 760 -- Memorials, Retirement - Larry Haynes. by *Hood.

House Joint Resolution No. 761 -- Memorials, Recognition - Dr. Bobby Jones. by *Brooks.

House Joint Resolution No. 762 -- Memorials, Recognition - Nashville's Table. by *Arriola, *Pruitt, *Jones, S., *West, *Garrett, *Odom, *Briley, *Langster, *Harwell, *Turner (Davidson).

House Joint Resolution No. 763 -- Memorials, Recognition - James Russell "Russ" Farrar. by *Ferguson, *Roach.

House Joint Resolution No. 764 -- Memorials, Retirement - Ernest Chism. by *Scroggs.

House Joint Resolution No. 765 -- Memorials, Recognition - James Harris. by *Pinion.

House Joint Resolution No. 766 -- Memorials, Recognition - Carleton College Habitat for Humanity Team. by *Bone.

House Joint Resolution No. 767 -- Memorials, Retirement - Harold Ray Patton. by *Bone.

House Joint Resolution No. 768 -- Memorials, Retirement - Arthur W. Hastings. by *Hood.

House Joint Resolution No. 769 -- Memorials, Academic Achievement - Anna Martzin, Outstanding Student. by *Davis (Washington).

House Joint Resolution No. 771 -- Memorials, Death - Dr. Winston Pannell. by *Mumpower, *Westmoreland, *Godsey.

House Joint Resolution No. 772 -- Memorials, Recognition - Reverend J. D. Jamerson, 32 Years as Pastor of Mount Gilliam Baptist Church. by *Brooks.

House Joint Resolution No. 773 -- Memorials, Sports - Peabody High School Lady Tide, 2002 TSSAA District 16-A, Region 8-A, and Sectional Basketball Champions. by *Phelan.

House Joint Resolution No. 774 -- Memorials, Death - William Andrew Cannon. by *Naifeh, *Rinks.

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House Joint Resolution No. 775 -- Memorials, Recognition - Rick Carnes, Powell Business and Professional Association's Man of the Year. by *Dunn, *Armstrong, *Hagood, *Boyer, *Bittle, *Tindell, *Buttry.

House Joint Resolution No. 776 -- Memorials, Professional Achievement - Danny Cunningham, Powell Business and Professional Association Man of the Year. by *Dunn, *Armstrong, *Hagood, *Boyer, *Bittle, *Tindell, *Buttry.

House Joint Resolution No. 777 -- Memorials, Recognition - Ruth Brinkley. by *Turner (Hamilton).

SUPPLEMENTAL CONSENT CALENDAR

House Resolution No. 233 -- Memorials, Recognition - Les Douze Amies Social and Civic Club. by *Langster, *Jones, S..

House Resolution No. 235 -- Memorials, Personal Occasion - Pearline B. Green, 96th birthday. by *Langster, *DeBerry L.

House Resolution No. 236 -- Memorials, Academic Achievement - Jessany Paiton Dunn, Outstanding Student. by *Godsey, *Westmoreland.

House Joint Resolution No. 754 -- Memorials, Public Service - Robert J. Eddlemon. by *Phelan.

House Joint Resolution No. 755 -- Memorials, Public Service - Brenda L. Cleaver. by *Brooks.

House Joint Resolution No. 756 -- Memorials, Professional Achievement - Priscilla Mills, First Female CEO of Lakeway Hospital. by *Ford S.

House Joint Resolution No. 759 -- Memorials, Retirement - William Martin Woods. by *Pleasant.

House Joint Resolution No. 760 -- Memorials, Retirement - Larry Haynes. by *Hood.

House Joint Resolution No. 761 -- Memorials, Recognition - Dr. Bobby Jones. by *Brooks.

House Joint Resolution No. 762 -- Memorials, Recognition - Nashville's Table. by *Arriola, *Pruitt, *Jones, S., *West, *Garrett, *Odom, *Briley, *Langster, *Harwell, *Turner (Davidson).

House Joint Resolution No. 763 -- Memorials, Recognition - James Russell "Russ" Farrar. by *Ferguson, *Roach.

House Joint Resolution No. 764 -- Memorials, Retirement - Ernest Chism. by *Scroggs.

MONDAY, MARCH 25, 2002 – EIGHTIETH LEGISLATIVE DAY

House Joint Resolution No. 765 -- Memorials, Recognition - James Harris. by *Pinion.

House Joint Resolution No. 766 -- Memorials, Recognition - Carleton College Habitat for Humanity Team. by *Bone.

House Joint Resolution No. 767 -- Memorials, Retirement - Harold Ray Patton. by *Bone.

House Joint Resolution No. 768 -- Memorials, Retirement - Arthur W. Hastings. by *Hood.

House Joint Resolution No. 769 -- Memorials, Academic Achievement - Anna Martzin, Outstanding Student. by *Davis (Washington).

House Joint Resolution No. 771 -- Memorials, Death - Dr. Winston Pannell. by *Mumpower, *Westmoreland, *Godsey.

House Joint Resolution No. 772 -- Memorials, Recognition - Reverend J. D. Jamerson, 32 Years as Pastor of Mount Gilliam Baptist Church. by *Brooks.

House Joint Resolution No. 773 -- Memorials, Sports - Peabody High School Lady Tide, 2002 TSSAA District 16-A, Region 8-A, and Sectional Basketball Champions. by *Phelan.

House Joint Resolution No. 774 -- Memorials, Death - William Andrew Cannon. by *Naifeh, *Rinks.

House Joint Resolution No. 775 -- Memorials, Recognition - Rick Carnes, Powell Business and Professional Association's Man of the Year. by *Dunn, *Armstrong, *Hagood, *Boyer, *Bittle, *Tindell, *Buttry.

House Joint Resolution No. 776 -- Memorials, Professional Achievement - Danny Cunningham, Powell Business and Professional Association Man of the Year. by *Dunn, *Armstrong, *Hagood, *Boyer, *Bittle, *Tindell, *Buttry.

House Joint Resolution No. 777 -- Memorials, Recognition - Ruth Brinkley. by *Turner (Hamilton).

Rep. Brooks moved that all members voting aye on House Joint Resolution(s) No(s). 755 and 772 be added as sponsors, which motion prevailed.

Rep. Hood moved that all members voting aye on House Joint Resolution(s) No(s). 760 and 768 be added as sponsors, which motion prevailed.

Rep. Langster moved that all members voting aye on House Resolution(s) No(s). 233 and 235 be added as sponsors, which motion prevailed.

Rep. Rinks moved that all members voting aye on House Joint Resolution No. 774 be added as sponsors, which motion prevailed.

Rep. Pleasant moved that all members voting aye on House Joint Resolution No. 759 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 761: by Rep. Brooks

Under the rules, House Joint Resolution(s) No(s). 761 was/were placed at the foot of the calendar for April 3, 2002.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the following report, Vehicle Stops and Race: A Study and Report in Response to Public Chapter 910 of 2000, has been filed with the Clerk's office and that the same is available for review.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 623: Rep(s). Kernell as prime sponsor(s).

House Bill No. 102: Rep(s). McMillan as prime sponsor(s).

House Bill No. 1036: Rep(s). West as first prime sponsor(s).

House Bill No. 1247: Rep(s). Head as prime sponsor(s).

House Bill No. 1617: Rep(s). Windle as prime sponsor(s).

House Bill No. 1757: Rep(s). Briley as first prime sponsor(s).

House Bill No. 1758: Rep(s). Briley as first prime sponsor(s).

House Bill No. 1759: Rep(s). Briley as first prime sponsor(s).

House Bill No. 2154: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2295: Rep(s). Davis (Cocke) as first prime sponsor(s).

House Bill No. 2332: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2476: Rep(s). Bunch as prime sponsor(s).

House Bill No. 2503: Rep(s). Tindell as prime sponsor(s).

House Bill No. 2570: Rep(s). Sands as prime sponsor(s).

House Bill No. 2907: Rep(s). Kent as prime sponsor(s).

House Bill No. 2963: Rep(s). Cole (Dyer) as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Kent was/were removed as sponsor(s) of **House Bill No. 1036**.

On motion, Rep(s). Kisber was/were removed as sponsor(s) of **House Bill No. 2295**.

On motion, Rep(s). Montgomery was/were removed as sponsor(s) of **House Bill No.**
2840.

MONDAY, MARCH 25, 2002 – EIGHTIETH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

March 25, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 137 and 145, without his signature.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 25, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 565, 2013, 2368, 2874, 3031, 3073, 3209 and 3239, with his approval.

JAY BALLARD, Counsel to the Governor.

ENGROSSED BILLS

March 25, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1537, 2111, 2219, 2272, 2520, 2668, 2895, 2903, 2961, 3140, 3146, 3196, 3234, 3235, 3236, 3238, 3241, 3242, 3243, 3244, 3245, 3247, 3248, 3249, also, House Joint Resolution(s) No(s). 618, 748, 749, 750 and 751.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....93

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

RECESS MOTION

On motion of Rep. Davidson and pursuant to House Joint Resolution No. 753, the House stood in recess until 1:00 p.m., Wednesday, April 3, 2002.